Home Department

(17)

Passed

G.O. Ms No 2606

1

Rd/ 5-6-50.

Revenue Department
Subject.

LAND--Grant to Political Sufferers(South Kanara) Udipi taluk Majur village S.Nos 13/14, 71/4 and 71/9 Escheated lands assignment to political sufferers--request report submitted.

MADRAS. Ref.B. 11031/49-2 Dated 10-1-50

2834 F1 1615

From

Sri.C.V.Narishman I.C.S.,
Secretary, Board of Revenue.

Sri.S.Ranganthan I.C.S.,
Commissioner of Land Revenue

ADDITIONAL ASST. SECRETARY TO GOVERNMENT REVENUE DEPARTMENT

Read:- From the Collector of South Kanara Ref.B.8 139/49 dated 21-9-49 and 30-11-49.

Two political sufferers Sri K.Karianna Shetty of Padubidri and Sri K. Narashima Shenoy of Kaup village of Udipi taluk have applied for the assignment of S.No. 13/14 and 71 /4 and 9 of Majur village Udipi taluk which are escheated property of Government. R.S.No. 13/14 and 71-4 measure 1-18 and 1-43 acres respectively and stand registered as wet and S.No.71/9 measures 0.19 acres and stands registered as garden in the Revenue accounts. These properties were in the possession of Government since 1905 after escheat but the actual possession was taken from the former lease holder through civil court on 13-1-49 and a lease deed was got executed from one Sri Lakshiminarayana Bhatta for the year 1949-50 for a rental of 17 muras of rice and Rs 10 (in cash) The properties are now under the absolute right of Government and the Government title over the plots is established.

2. Both the applications were placed before the Non-Official Advisory committee on 1-9-49 and the committee has resolved to recommend both the cases to the Board for orders. There are no definite instructions with regard to assignment of escheated lands to political sufferers. In Board's Ref.B1. 3164/48-14 dated 16-10-48, it is said that the matter is under the consideration of the Government but no final orders appear to have been received since then.

3. These properties are valuable lands and can fetch good amount if sold in public auction. Para 3 of Board's Ref.B. 3164 /48-10 dated 13-8-48 shows that no land value need be collected from Political sufferers even in case of valuable lands. I am in favour of assigning these lands to the applicants. If the Board agrees with my recommendations, I intend to apportion the lands equitably between the two applicants irrespective of the dates of application in accordance with orders issued in Board's Ref.B. 3164.48-14 dated 16-10-48

4. The records of enquiry relating to my office C.No. 139/49 and 208/49 are enclosed.

true copy.
Board's Ref. B. 11031/49-1 dated 7-11-49.

The market value of the lands in question is as follows.

S.No.	13/14	Rs 3894/- at Rs 2200/-	per acre.
"	71/ 4	1430/- at Rs 1000/-	"
"	71/ 9	114/- at Rs 600/-	"

Reference:

Submitted to the Government. P.T.O

2

first

2. In his letter/cited above the Collector of South Kanara recommends that S.Nos. 13/14, 71/4 and 81/9 of Majur village may be granted to the Political sufferers. These lands are lands escheated to the Government. The value of the lands are as follows.

S.No.	Extent.	Classification.	Value Rs.
13/14	1.18 acres	Wet.	3894
71/ 4	1.43 acres	Wet.	1430
71/ 9	0.19 acres.	Garden.	114
			5438

8086/1911

Escheated lands are not lands at the disposal of Government falling under B.S.O.15, The disposal of such lands is governed by B.S.O.197.7 which states that " Real property which has escheated to Government should not ordinarily be sold until it has been 12 years in the possession of Government. i.e. untill all rights of action against Government in respect of the property have abated". This implies that the normal mode of disposal of escheated lands is sale by auction.

3. The Board considers that the concessions contemplated in para 9 (1) of G.O.1523 Revenue dated 11-6-49 do not apply to escheated lands. As the escheated lands in this case are valuable the Board recommends that they need not be assigned to the Politicalsufferers but that they may be sold in auction following the normal procedure prescribed in B.S.O. 197-7.

The Board requests the orders of the Government in the matter.

For Joint Secretary.

To the Secretary to Government
Revenue Department
with 2 Collector's files.

T.T.10-1.

ASSISTANT SECRETARY TO GOVERNMENT
18 JAN 1950

Rev. Dept

Rev no 2834-F/50.
17.1.50

Home 410
17.1.50

17.1.50

Escheated lands

(C.No.~~88~~ 8086-Courts-III/50)

Home Department. 3

G.O. Ms. No. 2606 dated 5.6.50.

Escheat - South Kanara dist. - Udipi taluk - Majur village - S.Nos. 13/14, 71/4 and 71/9 - Assignment to political sufferers - Recommendation of the Collector - Accepted.

Read: From the Bd. of Rev., Madras, Ref.B.11031/49-2, dated 10-1-1950.

ORDER:

The Govt. direct that ~~accept the recommendation of the Collector~~ of South Kanara that the escheated lands referred to in the Board's ref. cited ~~may~~ be assigned to ~~the~~ political sufferers ~~mentioned in it.~~ as proposed by the Collr. S Kanara, as a Special Case.

To the Bd. of Rev., Madras.
~~Copy~~ (with the records at(D) and (K) in original).
Copy to the Rev. Dept.

(Cno. 8086-F150)

Home Department.

Escheat - South Kanara dist. - Udipi taluk - Majur village - S.Nos.13/14, 71/4 and 71/9 - Assignment to political sufferers.

From the Bd. of Rev., Ref.B.11031/49-2, dated 10-1-1950.

Sri K. Karianna Shetty of Padubidri and Sri K.Narashima Shenoy of Kaup village of Udipi taluk, South Kanara dist. have applied to the Collector of South Kanara for the assignment of S.No.13/14 and 71/4 and 9 of Majur village, Udipi taluk, S. Kanara dist. in their favour. They are escheated property of the Govt. These properties were in th possession of Govt. since 1965 after escheat but the actual possession ~~xx~~ was taken from the former lease holder through civil court in 13-1-1949 and a lease deed was got executed from one Sri Lakshiminarayana Bhatta for the year 1949-50 for a rental of 17 muras of rice and Rs.10. The properties are under the absolute right of Govt. and the Govt's title over the plots is established. The value of the lands are as follows:-

S.No.	Extent.	Classification.	Value. Rs.
13/14	1.18 acres	Wet	3,894
71/4	1.43 acres	Wet	1,430
71/9	0.19 acres	Garden.	114
			5,438

2. The Collector of S. Kanara recommends the ~~grant~~ assignment of these lands to the political sufferers referred to above. The Board of Revenue has stated that escheated lands are not lands at the disposal of Govt. falling under B.S.O. 15, that the disposal of such lands is governed by B.S.O.197-7 which states that "Real property which has escheated to Govt. should not ordinarily be sold until it has been 12 years in the possession of Govt., i.e., until all rights of action against Govt. in respect of the property have abated" and that this implies that the normal mode of disposal of escheated lands is sale by auction. The Board considers that the concessions contemplated in para 9(1) of G.O. No. 1583, Revenue, dated 11-6-1949 do not apply to escheated lands. As the escheated lands in this case are valuable, the Board recommends that they need not be assigned to the political sufferers but that they may be

V

sold in auction following the normal procedure prescribed in B.S.O.197-7. The Bd. requests the orders of the Govt. in the matter. | A (A)

3. This Dept. may agree with the Board's view at A on pp.1-2 above. Revenue may see for remarks.

d. Secy 25/1/50 18 27.1.50

It is not clear why after all rights of action against Govt have abated the escheated lands should not be treated like any other land belonging to Govt. This Deptt need not however object to the Bd's proposal. The remarks of Rev. may be invited

PS 26/1/50 DS

25/1/50

Rev. Home vide 2086 F/50 J 1.2.50

ADDITIONAL ASST. SECRETARY TO GOVT. 6561 F 2 FEB 1950 REVENUE DEPARTMENT

Rev. Deptt.

To N.S.

The notes of Home deptt above may be perused. It has been ordered that bought-in lands should not be assigned to poll. sufferers. It appears that escheated lands may be treated similarly. The Board has stated that the lands in question are valuable. Subtd. that in the circumstances stated by the Board this deptt. may also agree with its view referred to at A on pp1-2 above. May be returned to Home with the remarks

x Vide Go 1245 al(M) 9-56 | M

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M

A

ASSISTANT SECRETARY
... 1950
HOME DEPARTMENT

B

I suggest that the Board's recommendation can be accepted.

MK 6/2/50.

Rev. U.O. 6 561 F/50-1
6-2-50 Home.

Home Deptt.

Please see the notes of this Deptt. and Rev. Deptt. on pp. 1-3 above. Rev. Deptt. also accept Board's recommendation. With ref. to Rev. Deptt's note at A above, the file may be sent to Legal for advice.

PJ 9/2/50 Legal

8/2/50. 8.2.50

Home U.O.
No 86 F/50-2
9.2.50

25123

ASSISTANT SECRETARY
2051
9 FEB 1950
LEGAL DEPARTMENT

Legal Department

There is no legal objection to accepting the Board of Revenue's recommendation in this case.

MK 23/2/50.

Home Deptt

ASSISTANT SECRETARY TO GOVERNMENT
24 FEB 1950
HOME DEPARTMENT

Legal U.O. No.
2067/50-1
23-2-50

4

Home Deptt. 8086 F

Please see the notes of this Deptt., Rev. ~~Deptt.~~ Legal on ff. 1-3 ante. Rev. Deptt. does ff. 2-3 ante 16 accept the Board's recommendation. Legal ff. 2 28-2 Deptt. have no legal objection to accepting it. ff. 1-3 ~~the Bd's recommendation~~. A draft memo. is ff. 2 Subd. for approval. The case may be circulated to H.m. (E & R) and H.m.(L.R.), before issue.

26/2/50 27.2.50

PJ 27/2/50 D.J. Mayissue

28.2.50

HM(E&R)

HM(LR) I am unable to accept the reasoning of the Bd that because the lands are valuable it should not be given to political sufferers but sold in public auction. As if only useless lands are to be given to political sufferers!! The Bd should not make such remarks. The Collr's recommendation may be approved. This was escheated as 1905 & undisputedly forfeited lands now.

We have ordered the giving of escheated lands in question & struck to the sufferers. Collr's recommendation may be accepted

2/3

DEPUTY SECRETARY 2 MAR 1950 HOME

ADDITIONAL DEPUTY TO GOVERNMENT 21/3/50 14600.0

With ref. to the minutes of H.m(L.R) above, the file may be sent to Rev. ~~Deptt~~ may be requested to put up the ~~paper~~ referred to by the H.m.

PJ 4/3/50 Rev

3/3/50 3.3.50

Home No. 80 86 Confidential

4.3.50 Regd.

8086F.
7/27

Lounds III

35665
16/3

pp 77 to 4 (P)

To U.S.

Please see the minutes of H.M.(LR) and the notes of Home Dept. on p.4 above.

2. With refee to the minutes of H.M. it is respectfully submitted that no orders have been issued in this Dept. sanctioning the assignment in anydt. of escheated lands to political sufferers. Presumably H.M. is referring to the assignment to political sufferers of certain lands in Sirupalayur village, Cuddalore taluk, South Arcot dt sanctioned in Co Ms No. 466 Rev dt 21-2-50. These were brought-in lands and not escheated lands. Home Dept may be requested to recirculate the file to H.M. (LR)

11-3-50.
11-3-50

LR
13-3-50

D.S

DS
Home

14/3/50.

Rev No. 14160/50-1
14-3-50

Home

ASSISTANT SECRETARY TO GOVERNMENT
16 MAR 1950
HOME DEPARTMENT

Home Dept.

With ref. to the minutes of H.m. (L.R.) on p.4 ante, please see the note of Rev. Dept. above. The Case may be circulated to H.m. (L.R.) through H.m. (E. & L.).

PJ 24/3/50

24.3.50

DEPUTY SECRETARY
21 MAR 1950
HOME

HM(LR) This if bought in lands can be given, now to escheated lands.

HM(LR) The orders already passed in circulation may issue. ie Collector's recommendation may be accepted.

27/3

b

5 With ref. to the orders in circulation on p. 6 ante, a draft order is subd. for approval. In view of the orders in circulation on p. 5 ante, ~~the Bd of Revn may be requested to take~~ ~~necessary action to amend~~ may require amendment B.S.O. 197-7/50 as to provide for the assignment of escheated lands to political sufferers also. ~~The draft order provides for this.~~ Revn Dept may be required to take necy action in this behalf. Rephrased may be sent to Revn, Finance and Legal for acceptance.

Rev may take ( ) A

30/3/50 31.3.50. PJ 31/3/50. Rev / Fin / Legal

Home D.O. No. 8086-Confl. III/50-1 dt 31-3-1950.

Po U.S. Revn Dept.

DRis Dept last saw on p 5 ante. Further notes and orders in circulation on p/p 5-6 above may be perused. With refce to the minutes of H.M. (E & L) on p 5 ante, it is submitted that the grant of bought-in lands in Sirupalayam village, Cuddalore taluk, South Arcot dt. to political sufferers referred to in Revn Dept. note on p. 5 above was sanctioned only as a special case. The general orders are that bought-in lands should not be assigned to political sufferers. It does not appear to be the intention of H.M.S. that all escheated lands should be made available for grant to political sufferers. Perhaps it will be sufficient if each case is decided on its merits when reported to Govt. In this view an amendment of the B.S.O. as proposed in the Home Dept note above does not seem necessary. May be passed on to Finance.

ADDITIONAL ASST. SECRETARY TO GOVERNMENT 22191 F 2 APR 1950 REVENUE DEPARTMENT

(M)

7/4/50. 10.4.50. 10.4.50. EM 4/4/50 D.S / Fin

DS

Fin

It does not appear necessary to issue any general instruction to the effect that all bought-in-lands and escheated lands may be assigned in the same manner as other lands at the disposal of the Government. The point may, however, be got clarified by circulation to H.M.(L.R) and H.M.(E & L). Necessary extracts may be taken in Revenue for the purpose.

12/4/50

Fin.

Fin.(Accts.) Deptt.

The proposal in this file relates to the assignment of certain escheated lands belonging to the Govt. (S.No.13/14, 71/4 and 9 of Majur village, Udipi Taluk) to political sufferers. The Collector of South Kanara is in favour of assigning the lands. The Board of Revenue does not recommend the assignment for the reason stated at 'S' on p.2 c.f., viz. tha the lands are valuable. It has, however, been ordered in circulation to H.Ms. Revenue and Edn. that the lands in question may be assigned to the politica sufferers. Finance may suggest that the case may be circulated to H.M.(Fin.) also.

2. Revenue department propose to obtain orders separately on the point whether general instructions should be issued that all bought-in-lands and escheat lands may be assigned in the same manner as other lands. This involves an important question of polic with large financial implications. Finance may suggest that, if the proposal is to be pursued, orders of the full Cabinet may be taken.

Legal Dept

Seen in Legal

Legal No. 6633/50-1

13/5/50.

Home Dept

SECRETARY TO GOVERNMENT

15 MAY

HOME DEPARTMENT

Home Department.

The case deals with the assignment of escheated lands S.Nos. 13/14 and 71/4 and 9 of Majur village, Udipi taluk, South Kanara dist. in favour of two political sufferers (Sri K.Karianna Shetty of Padubidri and Sri K. Narashima Shenoy of Kaup village of Udipi taluk, S. Kanara dist). The note on pp.1-2 ante summarises the case. The Collector of South Kanara recommends the assignment of these lands to them. The Board of Rev. considers that the concessions contemplated in para 9(1) of G.O. No. 1523, Rev., dated 11-6-1949 do not apply to escheated lands. As the escheated lands in this case are valuable, the Board recommends that they need not be assigned to the political sufferers but that they may be sold in auction following the normal procedure prescribed in B.S.O. 197-7. This Dept., Rev. and Legal agreed with the Bd. It was ordered in circulation by H.M. (E. & L.) and H.M.(L.R.) that the lands in question may be assigned to the political sufferers. With ref. to the orders in circulation, a draft order was subd. and Rev. was asked to consider amendment of B.S.O.197-7 so as to provide for the assignment of escheated lands to political sufferers. Rev. Dept. have stated that the grant of bought-in-lands in Sirupalayur village, Cuddalore taluk, S. Arcot dist. to political sufferers was sanctioned only as a special case, that the general orders are that bought-in-lands should not be assigned to political sufferers and that it does not appear to be the intention of H.Ms. that all escheated lands should be made available for grant to political sufferers. They have also stated that it will be sufficient if each case is decided on merits when reported to Govt. and that in this view an amendment of the B.S.O. as proposed by this does not seem necessary. They propose to obtain orders

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because N Legal

separately on the point whether general instructions should be issued that all bought-in-lands and escheated lands may be assigned in the same manner as other lands. Fin. suggest that this case may be circulated to H.M.(Fin) and that orders of the full Cabinet may be taken on A above as it involved an important question of policy with large financial implications. Legal has seen the case. As Rev. do not propose to amend B.S.O. 197-7, it is for orders whether the grant of the lands in question to political sufferers may be treated as a special case. If so, the draft order as amended may issue, after circulation to H.M. (E. & L.) and H.M.(Fin.). (On return of the file from circulation, the file will be sent to Rev. with ref. to Fin. Dept's note at B on p.7 ante).

24/5/50. 27.5.50

PJ 27/5/50 DS

Draft may issue. The General question referred to at A above will be taken up by Rev.

27.5.50

R 42510 Fo

Hm (Rev) 30/5.

Hm (Fin) B.P.A 3.6

Issued as G.O. Ms.NO.2606, Home, 10/5-6-50.

North reference to the ~~notes of the finance~~ orders of D.S. above ~~dept. at B on p.7 ante~~ the file may now be sent to Revenue for necessary action

9.6.50 11.6.50

PJ 12/6/50 Rev (for DJ)

Fd 14/6

HOME 3 JUN 1950 DEPUTY SECRETARY

p-3 of

CENTRAL ASST. SECRETARY TO GOVERNMENT 14 JUN 1950 REVENUE DEPARTMENT

Home U.O. 8006 Fin 100-6 12.6.50

R 20

To U.S. (Previous Ruminutes on pb's ante) Rev Dept.

Please see the note ~~of Home Dept~~ on pp 8-9 above. This Dept file dealing with the general question is put up as L.P. I above. Necessary extracts from this file will be taken for action in the main file. This file may be returned to Home.

19/6/50
20/6/50

Ers
24/6/50

Home

Fin. & Rev V.O. 42 510F/50

Home (Courts III) Dept 13/7/50.

~~Note of~~ The Revenue dept's above may be perused. It is presumed that necessary extracts from this file have been taken by that dept. No further action is called for the file may be closed

18.7.50

24.7.50

11.7.50.

note & release

(Linked with file Rev CW.24338F/50 and Confirmation on 26/6/50 received 24/7/50)

ASSISTANT SE
16 JUL 50
HOME DEPARTMENT

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15.7.50.